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HON. EDWARD DEAN RAND;

A MEMORIAL ADDRESS

BY

ALBERT S. BATCHELLOR.



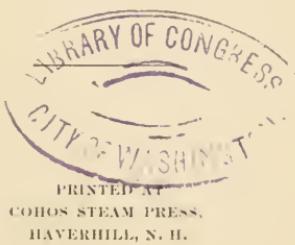
HON. EDWARD DEAN RAND;

A MEMORIAL ADDRESS

BY

ALBERT S. BATCHELLOR.

BEFORE THE GRAFTON AND COOS BAR ASSOCIATION,
AT THE ANNUAL MEETING HELD AT
LANCASTER, Jan. 29, 1886.



HON. EDWARD DEAN RAND.

Since the formation of this Association four of our brethren at the Bar have gone out from the fellowship of earth. They had all been men of mark, and successful in various lines of professional action. Each of them—Burrows, Duncan, Burns, and Rand—had developed a personality worthy of commemoration. Appropriate memorials of the life work of three of these, our former associates, have been inscribed for your archives by worthy hands.

It is fitting that we cease for a time from the perplexing problems and the absorbing contentions of our calling, and consider the lessons to be drawn from the lives of the strong men who have fallen, after gaining many goals that seem beyond our reach.

Among the eminent men in the profession of the law, and indeed among the conspicuous followers of other callings, the leaders of the Bar in northern New Hampshire who immediately followed Joseph Bell could claim unquestioned peerage. While that generation of lawyers were in the full possession of the avenues of professional prestige, the brothers Charles W. and Edward Dean Rand entered upon the career which in due time became so honorable. Each was so much the counterpart of the other, that it is with some degree of difficulty that we can analyze the character and work of either as a lawyer in the abstract sense. My acquaintance with these brothers began in the

courts just as the career of the elder was drawing to a close, and I saw the other as he was passing to that stage of life in which thenceforth he must act without the inspiration of the fraternal sympathy, confidence, and co-operation, which had been his a score of years.

The story of the ordinary events of Judge Rand's life has a place in the memorial which we offer, for in it we discover the elements of his success, and the things which gave direction to his endeavors, and determined their limitations.

Hamlin Rand was of Connecticut origin, and was in trade for a few years at Bath, where his two sons, Charles White and Edward Dean, were born. He removed to Lisbon afterwards and spent the remainder of his days in that town, continuing in merchantile pursuits. He was a man of positive character and substantial means. He gave his sons good educational opportunities. The brothers were fitted for college at the orthodox Congregational Seminary at Meriden, and graduated at the Methodist University at Middletown, Conn. Neither of them, however, were much imbued with the theology of these institutions. On the contrary, both maintained liberal views on the subject with equal unobtrusiveness and constancy from the time of our first acquaintance with them to the end. They were members of the college class of 1841. Charles would have occupied the first place in the class were it not for the fact that in the final award of standing, Edward by a narrow margin was given the primacy.

Judge M. T. Granger of Canaan, Conn., and the Rev. C. W. Pierce of Champaign, Ill., were among his classmates, and both in recent letters have given estimates of Judge Rand's character which breathe a spirit of affection

and deep and well founded admiration for the man, his abilities, his accomplishments and his worth.

From college he proceeded to Mississippi and engaged in teaching, and thence to New Orleans, where he commenced the study of the law in 1844 and was admitted to the Bar in 1846. His preceptors were the members of the firms of Lockell and Micon, and Benjamin and Micon. The senior member of the latter firm was Judah P. Benjamin, whose great fame as a statesman and a lawyer in two hemispheres has gone wherever the systems which he mastered are known and studied. It cannot be doubted that Mr. Rand received impressions from this great character that were influential with him through life. His friends have often been entertained and instructed by his discourse upon those leaders of opinion in the South, with whom he had been thrown in contact. Referring to this period of Mr. Rand's life, his cousin, the Hon. Edmund Carleton Sprague of Buffalo, writes: "I remember the first talk that I had with him during my earliest visit at his house. I asked him why he had abandoned the wide career of New Orleans for Lisbon. I recollect his answer well. 'Because' said he, 'leisure is one of the primal blessings of life; leisure to pursue one's tastes and inclinations. That I can have here, and I would rather have it than all the wealth and honors of a crowded career.' I told him that I was of a different opinion: that to use the expression of a half-forgotten poet:

"Leisure is pain, takes off our chariot wheels;
How heavily we drag the load of life!
Blest leisure is our curse: like that of Cain
It drives us wandering all the earth around
'To fly that tyrant, Thought.'

"I think this is certainly true of a man endowed as

Judge Rand was in a remarkable degree, with various and vigorous mental powers. They could not be satisfied with a dilettante existence, however refined. His knowledge of literature in his own and other languages was indeed extensive, and he doubtless enjoyed greatly the leisure which gave him so much time for general reading as well as for the society of his family and friends. But even such an insatiable lover of books as Macauley was unhappy in the absence of an active public career, or of a prolonged and laborious task, like the history of England; and I think Judge Rand would have been a much happier man if his life had been more crowded with heavy responsibilities and large affairs, worthy of the highest powers of his mind. As it was, eminent as he was at the New Hampshire Bar, and gratified as he was by his position upon a bench whose character for learning and ability is recognized by every lawyer of large practice in this country, he had not, when I knew him, half enough to do. The consequence was, that he gave a large portion of his thoughts to those insoluble problems of human life and destiny which form the subject, to so large an extent, of the beautiful poems which he left behind him, some of them not surpassed by any of the subjective poetry of our time; and he devoted to them and to the petty details of daily life, powers which were capable of accomplishing great results for his family, his profession and his country."

Mr. Rand was in New Orleans eleven years as student and practitioner. The presumption is that this was the one in which, like other lawyers who do not have distinction thrust upon them but achieve it, he was disciplining himself in the drudgery of the law. He soon proved himself capable of protracted and well directed profes-

sional labor, upon his return to the north which occurred in 1855. He studied the common law and delved in its reports and treatises. From that system of jurisprudence chiefly he reasoned and gave authority. In his opinions, briefs and oral arguments, he did not incorporate the learning of the civil law. This would indicate that the requirements of his occupation in New Orleans differed from those he encountered here in the matter of collateral study. He always loved to recreate his mind in speculations in the domain of the higher law. There he found food for intellectual appetites that could not quite be satisfied with those occupations which lie within the strictest limits of ordinary practice. His reflections on the higher law he embodied in a Charge to the Jury while he was a member of the Circuit Court, and this was also elaborated as a Lyceum Lecture. The production was characterized by the author's beauty of diction, subtlety of argument and elevated moral tone in the full measure.

At his return to Littleton in 1855 his brother had already established the firm foundations of the business which eventually gave both financial success, political recognition and high rank in the profession. They were so unlike in their habits of thought and preferences in the division of labor of the firm, that each was able to perfect himself in a measure as a specialist. Charles assumed the direction of the preparation of causes for suit and trial, briefed the law and the facts, presented the cold facts to the jury and the cold law to the Court. Edward took the responsibility of argument. Each in his sphere became an adept. The senior has told me that he believed every lawyer should carefully review Chitty's Pleadings every year, and it is not improbable that he did that or

its equivalent. The other left no appropriate means untried, which his ingenuity and industry could devise, to make him worthy of the office of advocate. They had their liberal education and the mental discipline which their early standing as students pre-supposes, their indomitable industry, their natural aptitude for the lawyer's work, able Courts and well developed legal literature at command, as guaranties of the accomplishment of a reasonable ambition. More than this they were confronted by such opponents as Woods, Goodall, Heywood, Hibbard, Bellows, the Binghamhs, Burns, Carpenter, Ladd and Ray.

"Here in their hold, their vassals near."

Not only were these brothers well equipped for the conflicts of the forum but they always had before them most potent incentives to success—causes of magnitude to demand their strongest efforts and "foemen worthy of their steel."

The division of the work of the partners to which reference has been made necessarily gave a distinctive character to the professional accomplishments of each. The one was distinguished for proficieny in the department he adopted, and the other made the effectiveness of advocacy conspicuous in the Courts of this State and Vermont.

These men had well illustrated that precept of the Psalm of David—if indeed it may be held applicable to the fraternity of the family.

"Behold how good and pleasant it is
For brethren to dwell together in unity."

These relations had continued without interruption for nearly twenty years. This may be given as the substantial fact. For the purpose of accuracy in detail it may be re-

membered that after 1860, Edward D. Rand resided and had an office of the firm at Lisbon while his brother continued at Littleton. During the protracted period of the last illness of the elder Rand, the business relations of the brothers were somewhat modified in view of the inevitable dissolution which both were convinced was rapidly approaching.

The death of Charles W. Rand occurred at Littleton on the 3rd day of August, 1874, and on the 18th of the same month Edward D. Rand was appointed to the bench of the Circuit Court.

Then began the transformation of the methods and habits of professional life which had been the gradual growth of twenty years. The appointment to the bench made the transition less notable. The next two years with its new relations, new duties and new associations was the term in which Judge Rand prepared himself for the third period of his professional life. He returned to the practice on the 22nd of July, 1876. The next nine years were those in which he was thrown upon his individual resources to a greater degree than ever before. He was associated at Concord for a time with John H. Albin, and for a time with A. F. L. Norris. His principal employment then was in advocacy before juries, and in legal arguments before the Law Court. He was retained for the complainants in the celebrated Prison Investigation of 1880, and made the closing argument in the public hearing before the Governor and council. This was published in pamphlet form by the friends of prison reform. Though it was a strong presentation of that case, it did not rank among the best of his platform efforts. All of us have heard speeches from his lips that far surpassed this one, both in argument and

eloquence. There is, nevertheless, much in the address that is characteristic of the man and it indicates his attitude in humanitarian movements and gives glimpses of his religious views.

He resumed the practice in the courts of Grafton county in earnest after these diversions. Mr. Harry M. Morse became his junior in partnership. This gentleman earned the warm regard and full confidence of Judge Rand. He made the young lawyer more than student and partner. He held him closely to himself as the confidential friend, it may be in that large place in his heart which we know had been left by the destroyer, who spares neither friends in their fidelity nor brothers in their fraternal devotion.

He displayed in these later years his powers of advocacy in the cases of the Pennacook and Newbury Banks; Laird vs. the Railroad; Moore vs. the Insurance Co.; Insurance Co. vs. Clark, and other important jury causes. He also grappled with the intricate litigation which for many years has been contested with great persistency over rights of water and land on the Ammonoosuc river, and a multitude of matters of less importance in the courts of equity and of the referees. His painstaking preparation and unyielding persistence in this period was remarkable. He held to his client's rights and contested every inch until the cause of one party or the other was demolished. Compromise was a most inferior factor in his practice. Litigation like that over the old Bungay Road and the White Mountains Railroad gave ample exercise of his staying powers in his earlier experience, and these were never relaxed. The once celebrated Soapstone case, in Grafton County, he regarded as the one in which he had shown his

own powers more fully and to better purpose than any other with which he was connected.

At the last December law term of his life he came with difficulty before the Bar at Concord, in the case of Moore vs. Phoenix Insurance Co., and fulfilled his last service to a client: and while his argument came clear and strong, but in faltering breath and halting speech, his brothers kept silence, with the known approval of the Chief Justice, lest the first word of debate should snap the silver cord.

Having been born Dec. 26, 1821, he was upwards of three score years of age when, on the 14th of January last, "Dead he lay among his books."

There were incidental features of his practice which are worthy of notice. He had a positive regard for the rules of the fee bill. In his ethics, a professional service rendered to a solvent client meant recompense, and that, too, in accordance with the lawyer's agreement with his associates at the Bar. He enforced the rules. It was his remark that it was for the whole and not for the individual to amend the common regulations. He was with Grant in the proposition that law should be enforced—if good, to display the beneficial result—if bad, that its mischiefs might be made apparent, and a repeal hastened. He collected what was his due and used it with prudence and economy. In his dealings with his fellow men he was at the same time strict, accurate and honest. His charities were never done in ostentation, and he has left the record of them only in the hearts of such as his bonny has made glad.

"In the name of all that is most precious in life" he said, "in the name of all that deserves to be immortal, let us try to render sacred by concealment the little good we

do. The benefits that flow from our little lives are hardly worth talking about, and if remembered at all, are better preserved in the memory of others than of ourselves."

He had the courage of his convictions. Thus it was that at New Orleans he ignored their so-called code of honor, and though he never allowed his physical courage to be put in question in a righteous cause, he there proved his moral stamina by a direct refusal either to fight or apologize for publicly expressing a correct opinion concerning a disgraceful act. Though shot in the back for this by the man who for once, at least, had heard the truth of himself, without a public retraction, he never gave the miscreant act the dignity of public notice.

In any controversy he preferred to face his opponents. He never hesitated to become a party to a joint debate. He met many of the public speakers of thirty years ago on the platform. Joint debates were then very much more in vogue than at present. He challenged and met the Rev. E. I. Carpenter in public discussion of the question whether slavery had scriptural sanction. Later on he also met Judge Poland in a series of six meetings in Vermont, and Judge Steele in a single discussion at Lisbon. Several years afterwards he responded to an invitation of the Democrats of Newport, Vt., to represent them in joint debate with Senator Edmunds.

He was successful in business, for he was diligent in business. He divided his time by a system according to the necessities of business and the necessities of recreation. In neither was he ever intemperate, but in both he was always earnest and often enthusiastic. He made little use of strategy and none of subterfuge. He had little regard for a course of proceedings that raised no square contest-

able issue with an opponent. He had temper but he controlled it. He had his opinions of men with whom he came in contact. Those opinions were reserved for his own guidance in affairs, and were not dealt out for public or private delectation. He made his client's cause his own, believed in it, and never trifled with the popular conviction of his sincerity before court or jury. He had the art of concealing art. If he had the good fortune to put a rascal to confusion, he so managed that the incident would be taken as evidence of the other's moral weakness rather than the result of his own skill. He never coveted the applause of bystanders or of the Bar, as mere spectators. Thus he came to be regarded as a sincere man who had no desire to compass results by deception. In this way he won verdicts. On one occasion he was the recipient of a significant compliment from a jury. They were in dispute after taking out the case, which had been tried by able counsel before an eminent judge. It was agreed unanimously by the twelve that they would call for Rand's minutes and have them settle the point. A smart man, flippant, self-conscious, crafty and proud of displaying his craft, would never have this experience with a divided jury in the highest Court in the State.

There were of course elements of weakness in his mental constitution and in his conduct of the responsible business of legal practice. They were not such as would detract from what has been given in estimation of his character as a man. They were not such as to have a place here, for his purposes were always honorable, and with those purposes he strove to square his conduct. Some of the salient points of his career as a lawyer at the Bar have been touched. Much has been of necessity passed by that has interest to

yon; and my judgment has of course often erred in the selection and presentation of the topics which belong to this phase of his life.

There are other directions in which his life may be studied with equal profit and interest. I shall take the liberty of giving an estimate of what Brother Rand was and what he accomplished as a Judge, in the language of another, who was an associate on the Bench and a sterling Judge.

"Judge Rand, as you know, was appointed to the Bench of the Circuit Court in August, 1874, and held the position only until the re-organization of the Courts in 1876, two years. His associates were Wm. L. Foster of Concord, Chief Justice, and the late Clinton W. Stanley of Manchester. By the act constituting that Court the duties of the Judges were confined to trial term work, except in cases where one or more of the Judges of the Superior Court were disqualified to sit. The same legislature which remodelled the Courts, establishing the Superior and Circuit Courts in place of the old Supreme Judicial Court, also passed the famous referee law, soon afterwards held to be at variance with the Constitution on one point in *Copp vs. Henniker*, 55 N. H.

"That law was interpreted by several of the judges to require substantially all civil causes at law to be sent to referees for trial. The result was that during the two years Judge Rand was on the Bench the legal business of the State was in some confusion and the practice in a somewhat transitional condition. Comparatively few jury trials were had, and the opportunity afforded a *nisi prius* judge to make a reputation, was for these reasons, less perhaps

than during any other equal period since the adoption of the Constitution.

"While it would not be true to say that, under these circumstances he succeeded in achieving a great judicial reputation, it would be quite untrue to say that a fair opportunity was afforded him to do so. The time was too short for him even to discover his own capacity and aptitude for judicial work; much more was it too short for any full and fair test of such capacity. Besides, as already suggested, the condition of things certainly was not in all respects propitious.

"But even in this short time and under these rather unfavorable circumstances I think it must be said that Judge Rand proved himself to be possessed in a high degree of two at least of the noblest and most indispensable qualities of a judge, namely, honesty and courage. I declare with confidence that no man had ever just cause to question his unsullied integrity, and no man who knew him ever doubted that he would follow his convictions whatever they might be. Whenever he was called to sit in the law court his only anxiety was to get at the true application of sound legal principles to the facts of the case. He was conscientious, industrious, painstaking. Never did it once come into his mind to look about and inquire who was to lose or gain, who to be pleased or offended by the decision. He never set himself to searching for ingenious words and plausible sounding phrases with which to cover up or divert attention from a perversion of the law which he had undertaken to accomplish, because a plain and simple application of every-day legal principles would not lead to such a decision of the case in hand as he had determined beforehand to

bring about. He did not deal in subtelties, nor tolerate results which would not bear the light of day without rhetorical varnish or fine-spun causuistry. All his methods of thought and action were open, direct, manly. He was a lover of truth and a lover of justice. He knew right from wrong at sight, and could distinguish between the two without any labored process of reasoning. He was sincere, candid and always open to conviction. He was not a profoundly learned lawyer and he did not, while on the Bench, manifest the highest degree of skill in applying the principles and doctrines of the common law to the varying facts of the cases which came before him. I always thought his early training in the civil law and his practice in the Louisiana courts rather stood in his way when, at a later period, he came to change that practice for ours. At any rate the studies of a considerable period of his early professional life were by that means turned in a direction somewhat different from that generally supposed to be necessary for the full equipment of a professor of our law. But it would be a mistake to suppose that Judge Rand was not after all well versed in the literature of the common law. He read much and well. He had a quick, receptive mind and a good memory. This was shown, as we can all testify, in his arguments before the full court, where we have so often felt him to be a formidable antagonist.

"And I think no one of us would be so rash as to venture the opinion that, with his fine intellectual endowments, his rare gift of language, his mental integrity and his studious and scholarly habits, a reasonably sufficient length of judicial experience would not have developed and brought to light in him all the qualities of an eminent as well as a useful and valuable judge."

Mr. Rand's domestic life was felicitous and exemplary. He married, November 10, 1856, Miss Joan H. Stevens of Littleton, a daughter of the late Truman Stevens of that place. Their only child is a daughter, Miss Kate E. Rand. Wife and daughter always sympathized with him in his worthy ambitions, his employments and his enjoyments. All vied together in making their home the abode of domestic comfort, genial hospitality and intellectual culture. To the many among you who have been welcomed there, the suggestion is sufficient elaboration. It was at home that Mr. Rand contrived to make his briefs, prepare his arguments, plan his legal battles, formulate judicial opinions, delve in the literature of all climes, burnish the oratory which was heard on the stump and in more exacting assemblies. There his graceful verse took form and his best thoughts were finished. There his greatest worth was felt and fully appreciated, for there was the shrine to which he brought the richest gifts his intellect and his honest manhood had yielded.

As a student of general literature Mr. Rand was the peer of any of his contemporaries at the New Hampshire Bar. We marvel at the extent of his attainments when we consider the exactions of a business so extensive as to yield the material rewards that he compassed. He had such familiarity with the French language that he spoke it to good purpose. He mastered the Italian so perfectly as to make its literature his recreation, as well as a favorite study in his later years. He made translations of graceful verse from the German. He made genuine poetry which will live by virtue of its own merit. He contributed more perhaps than any other one of us to the literature of our Bar Association. He substituted polished addresses,

abounding in information and argument, for the ordinary harangues of demagogery in political discussion. He maintained extensive correspondence with literary and professional friends in many States. He sought to cultivate an improved literary taste in his own vicinity by personal interest in the village library and other efforts in the same direction. His poems went out from time to time in periodicals of the day, but he seldom preserved the manuscripts or copies. Some have been published in a recent compilation of New Hampshire poetry. All that could be recovered, with selections from his prose writings, were put in durable form for preservation in the elegant little volume for which we are indebted to his Lisbon Library Associates. In the indulgence of his literary tastes, and in the production of refined forms of literature, he placed himself in a class that has contained the best minds in the profession.

Chief Justice Smith was accustomed, in correspondence with his lady acquaintances, to employ verse, some of which is preserved in his biography. Chief Justice Richardson kept up with the literature of his time, and has embalmed some of the sweetest sentiments of life in the "Kiss of Wedded Love." Chief Justice Parker sometimes wandered "from black letters to light letters," and gave in verse "The Lawyer's Reality" in reply to "The Lady's Vision." Chief Justice Cushing was in a long life-time proficient in music and facile in versification. Jonathan M. Sewall, Wm. Plummer, Daniel Webster, Matthew Harvey, N. G. Upham, Edmund Burke, Chas. J. Fox and Harry Hibbard are among the earlier members of our bar who have scattered verse along the highways and by-ways of the law.

In such a galaxy of legal talent it need not be a cause of

apprehension on our part that by the cultivation of such tastes and the same creative powers, we shall debase the character of the modern bar in forensic proficiency.

In social circles Mr. Rand's qualities made him pre-eminent. His conversation was lightened by never-failing funds of anecdote, illustration, apt repartee, quiet humor and manners grave or gay as might be the occasion. He was equally interesting as a talker or as a listener.

He was an excellent comedian. One of the present Judges of the Supreme Court, some ten years ago, in giving some reminiscences of a dramatic club of local fame in Littleton said, Judge Rand would have become distinguished as an actor had he devoted himself to that art. He was a good "diner out" and shone among the post-prandial champions.

Bro. Chapman used to entertain the leaders of the Bar and the Judges at his hospitable home in term time at Haverhill. Tradition informs us that the daily sessions of the Court Club at Chapman's house escaped perennial fame only for want of a record of the fun and fancies that dropped and sparkled like never failing fountain spray. At this point I have the good fortune to have the testimony of the gentleman who was the presiding divinity at the Court Club, a *sine qua non* of these assemblies. I would quote from Bro. Chapman's letter, but it will be given you more fairly in its entirety by the public press.

Our brother always found the safe medial way between abstinence and excess on occasions of social festivity. Tom Hood's ode would have been as appropriately addressed to Judge Rand as to Roe Wilson :

"I do enjoy this beauteous, bounteous earth
And dote upon a jest,

Within the limits of becoming mirth,
No solemn, sanctimonious face I pull
Nor think I'm pious when I'm only bilious."

It was a similar sentiment that he clothed in verse for us :

"I pass not by the goodly cheer;
For we are those who have no lasting fear
That all the flowery paths of life must tend
Sheer downward to a melancholy end,
And land the luckless traveller where
His soul must be beyond the reach of prayer."

The successful lawyer is often one who holds important business relations in the community of which he is a member. This is almost a necessity of his position. Here the severest tests of honor and fidelity are applied. A professional acquaintance may not enable us accurately to measure the man by this criterion. I will give the judgment of a neighbor and business associate who knew Mr. Rand more intimately than any of us. He says :

"Mr. Rand was naturally very social in his feelings and enjoyed good society. In all his social relations he was a model man, always dealing with the utmost frankness with all who sought his advice or wanted his aid. He never condescended to use anything having the least appearance of flattery or deception, to gain an end, but sometimes seemed to give offence by a bluntness, not caused by unkindness but by strong conviction. When standing by his convictions he never hesitated or gave a doubtful answer. This seemed to apply to all his relations in life. As a neighbor he was always kind and obliging and ready to aid in any way, to any reasonable extent.

"He always felt a lively interest in anything that would promote the good order and prosperity of the town and the general interest of the community. He opposed anything

calculated to lower the standard of good morals, or encourage disregard of law. He was an earnest friend to temperance and all genuine temperance reform, and equally opposed to all false pretense or humbug. Education by the common school, by a well selected library, or by lectures, found him always ready to contribute, in time or money, as might be needed. He was considerably engaged in business for a man of his profession, being interested in several mills, in buildings and in land. Without giving much time to matters outside of his law business, he always exercised good judgment and was generally successful. This same high sense of honorable dealing was carried into all business transactions. ‘His word was as good as his bond.’ This could be said at all times and under all circumstances.”

Mr. Rand was a student of nature. He loved to “hold communion with her visible forms.” He made frequent pilgrimages to the forest lakes, and never denied himself the pleasures of occasional hunts and fishing jaunts. In this sphere of recreation he ranked with our brothers Shurtleff and Aldrich in excellence and authority. He kept the habitation of the camp for long periods, and the sports of the gun and rod and the pure breath of the mountains and woods were his medicine. In this close contact with the wild forms of nature his thought was stimulated and his physical body strengthened. His form was tall and spare of flesh, but the muscles and sinews were strong, and the long journeys of the woodsman were more a pleasure than a task for him. He explored the lakes and rivers of New York, New England and Canada in his own canoe. He loved the sea shore and the sea. Yet he had nothing of the spirit of the hermit in these tastes, but

enjoyed Nature where he found her beauty undevastated by artificial changes, and her fastnesses unfrequented, even better in the companionship of congenial spirits than in solitude. What we have learned of the birds, the beasts, the forests, the mountains, the lakes and the streams, from the books and superficial view, he proved by actual association with these forms; and as he reposed in the very arms of Nature, he listened, and learned her whisper'd secrets.

His political principles were determined early in life, and in respect to them his belief was sincere and his adherence constant. Pure methods in polities found in him the same persistent advocacy that he gave to his political principles. During all the period of my acquaintance as boy or man, with his position, he was a Democrat and a leader. It may be he had political ambition. He did not parade it in the public view. It may be he would have welcomed a call to place and power, which was not sounded. He raised for himself no cry of political hunger, distress, or disappointment. He despised self-seeking. It was in his creed that office was not to be sought or refused; that public place was not to be bought or begged.

“The wisest man could ask no more of fate
Than to be simple, modest, manly, true;
Safe from the many,—honored by the few;
Nothing to court in world, or Church, or State,
But inwardly, in secret, to be great.”

He gave his voice, his strength and his time to his party's service. The people loved to hear his voice in speech and debate. His denunciation of corrupt methods of gaining votes, either by juggling with the party principles or by the grosser forms of lying in argument and debauchment of the franchise, was bold, searching and unrestrained. He demanded the removal of the party

collar and chain from the neck of the subordinate public servant and the substitution of statesmen for the bosses in the superior places in government. The enunciation of this tenet of his faith was no less positive after than before his party came into ascendancy. In short he was a genuine civil service reformer without any equivocation or mental reservation. Whenever his party seemed to him to be drifting from the true faith he sounded the alarm in the party councils and before the people. He was president of a convention when the party representatives declared for a "stable currency." That expression was defined at the time by Col. Tom Whipple's famous epigram. Judge Rand's opinion was not expressed in the other's striking brevity and Saxon simplicity: but it was to the same conclusion and with the same outspoken candor. From the party he received on unfrequent occasions, the highest party distinctions and the highest judicial honors in its power to bestow.

It would be out of place in a memorial of a man of his uncompromising integrity, to speculate upon the honors he might have enjoyed had he been the man he was not,—a time server, a political harlequin and hypocrite.

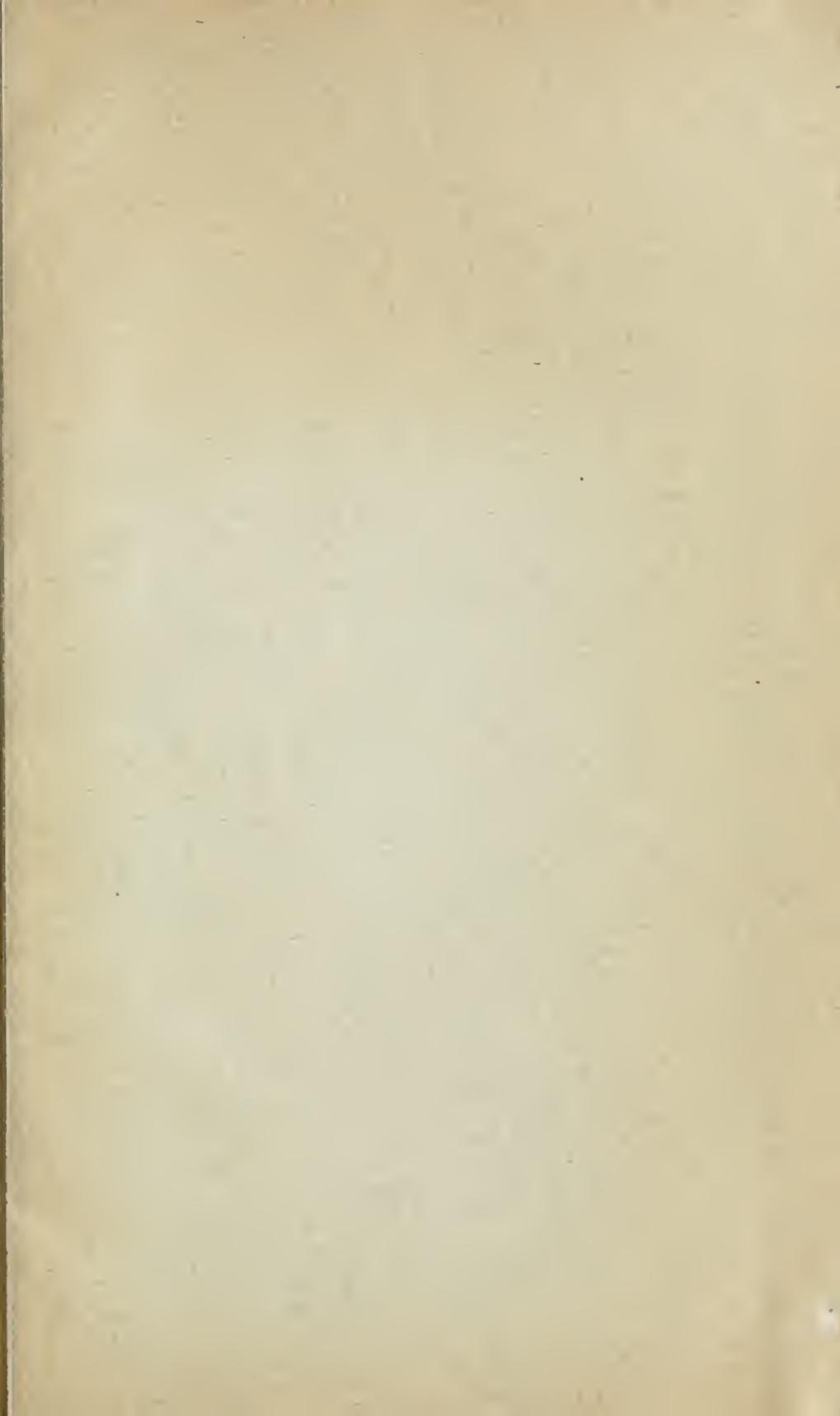
As well in polities as in other fields of human controversy he was tolerant and catholic towards all who held to honest opinion which duty called him to antagonize. He conceded to others all the liberty of opinion that he claimed for himself or his party. How deeply this sentiment moved in his thought we may judge by the ode *In Memorium* which he inscribed to James A. Garfield.

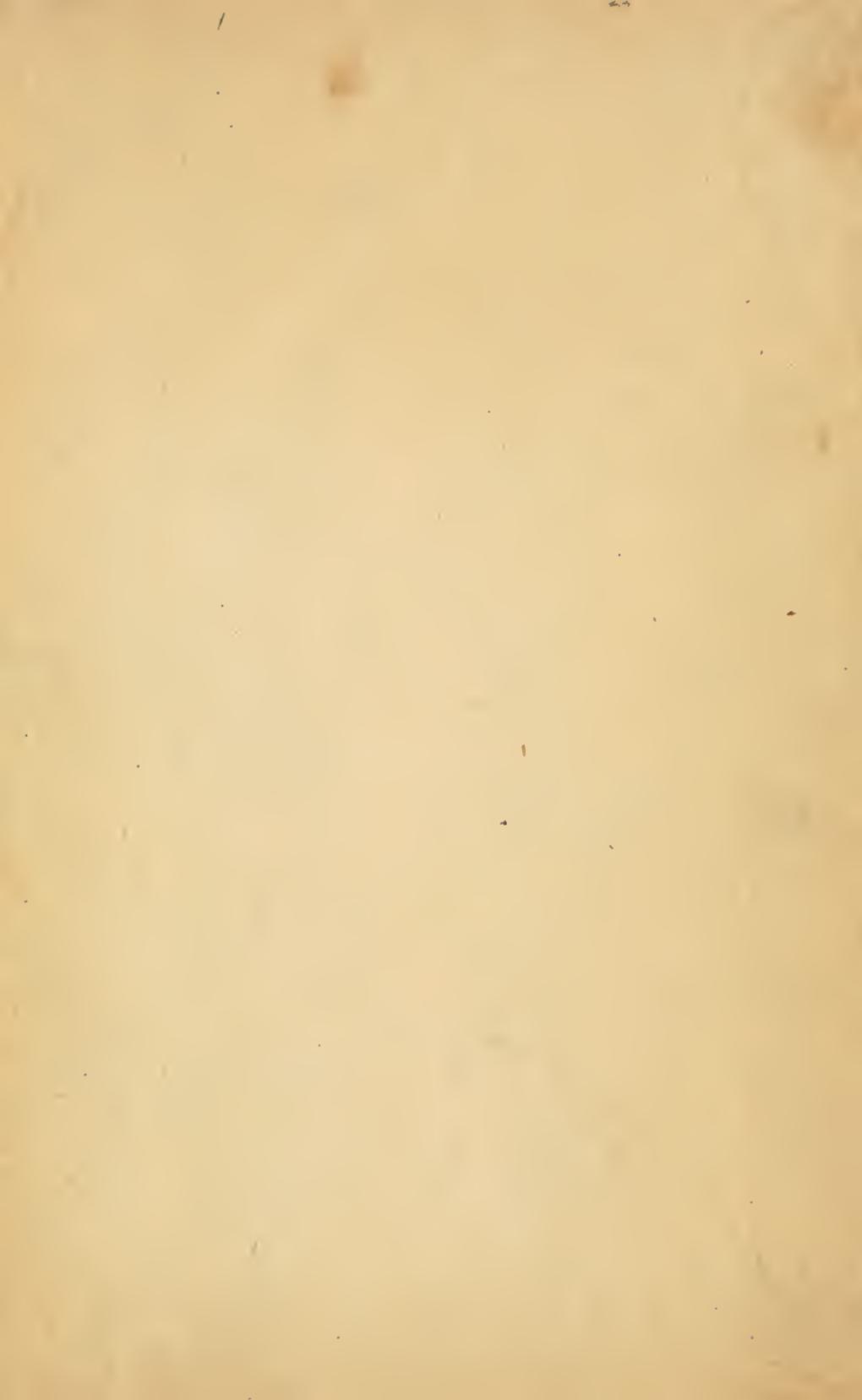
"The spirit has taken its flight
Where the land and the waters meet,
And never a nobler fight
Was crowned with immortal defeat.

Dead! by the murmuring shore
 Of the cold and passionless sea;
 O! brave, noble heart, nevermore
 Can its voices be music to thee.
 Released from the wearisome strife,
 The torture of laboring breath,—
 Up into the glory of life,
 That gleams through the shadow of death.”
 Of his moral character and upright life I have spoken.
 It is not my purpose or province to define another’s creed.
 So far as he has stated his belief concerning things of the
 hereafter, he alone should be heard.

THE SECOND VOICE.

“Lift up thy saddened eyes in hope, thou child
 Of God. Can thought be born of that, which hath
 No power of thought? Whence comes thy wondrous soul,
 Unless there somewhere be a grander Soul
 That touches thine through laws that never change?
 The universe is vast indeed; but He
 Who planned and made it, fills it through and through,—
 The smallest atom and the largest star,—
 There is no point in space where Chaos reigns.
 Lean then securely on the Eternal Law,
 That rests upon the Everlasting Thought,
 And underlies all life and death. Take thou
 The “Morning’s wings” and upward pass beyond
 The Pleiades, and this shall follow thee,
 And be around thee and within. And down
 Beneath the sea, the tiniest things that move
 In strange and sunless caves, are fashioned with
 Minutest care, and live and die in strict
 Obedience to a still resistless Power.
 Each hair upon thy head, once broken from
 Thy life, shall tenderly be handed back
 Into the universal life, without
 Haste and without waste. Fearest thou that that
 Which is thy very self—thy soul—with its
 Prophetic and far-reaching thought, can be
 Forgotten? Fear it not, but strong in hope,
 Exultant in thy faith, go forth to meet
 The certain Life in Death, as if to meet
 A steadfast friend, who waits to welcome thee.
 For great benignant Nature, who in her
 Appointed way and time remembers all
 Things, must remember thee, and all the seed
 Her hand hath scattered, and the harvest of
 Immortal fruit.”





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